

AUG 06 2020

JULIA C. DUBLEY, CLERK
BY: *R. Brown*
DEPUTY CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ABINGDON

UNITED STATES OF AMERICA

v.

Case No. 1:20cr28

WILLIAM EVERETT HIMES

Violations: 21 U.S.C. § 841
18 U.S.C. § 922
18 U.S.C. § 924

INDICTMENT

COUNT ONE

The Grand Jury charges that:

1. On or about January 5, 2020, in the Western District of Virginia and elsewhere, WILLIAM EVERETT HIMES knowingly possessed with intent to distribute 50 grams or more of methamphetamine, its salts, isomers, or salts of its isomers, a Schedule II controlled substance.
2. Before HIMES committed the offense charged in this count, he had a final conviction for a serious drug felony, namely, a conviction entered on or about June 18, 2012, in the Circuit Court of the City of Bristol for manufacture of methamphetamine in violation 18.2-248 of the Code of Virginia for which he served more than 12 months of imprisonment and for which he was released from serving any term of imprisonment related to that offense within 15 years of the commencement of the instant offense.
3. All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A)(viii).

COUNT TWO

The Grand Jury charges that:

1. On or about January 5, 2020, in the Western District of Virginia, WILLIAM EVERETT HIMES, knowing he previously had been convicted of a crime punishable by imprisonment for a term exceeding one year and knowing he was an unlawful user of a controlled substance, knowingly possessed the following firearm and ammunition:

- a) Norinco, Model 1911 A1, .45 caliber ACP firearm, Serial Number 518239;
- b) 7 rounds .45 ACP ammunition, and

the firearm and ammunition were in and affecting commerce.

2. All in violation of Title 18, United States Code, Sections 922(g)(1), 922(g)(3), and 924(a)(2).

COUNT THREE

The Grand Jury charges that:

1. On or about January 5, 2020, in the Western District of Virginia, WILLIAM EVERETT HIMES knowingly used and carried during and in relation to, and possessed in furtherance of, a drug trafficking crime for which he may be prosecuted in a court of the United States (possession with the intent to distribute methamphetamine, as set forth in Count One), a firearm.

2. All in violation of Title 18, United States Code, Section 924(c).

NOTICE OF FORFEITURE

1. Upon conviction of one or more of the felony offenses alleged in this Indictment, the defendants shall forfeit to the United States:

- a. any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offenses, pursuant to 21 U.S.C. § 853(a)(1).

- b. any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of said offenses, pursuant to 21 U.S.C. § 853(a)(2).
- c. any firearm used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances and/or raw materials, as described in 21 U.S.C. § 881(a)(1) and (2), and any proceeds traceable to such property, pursuant to 21 U.S.C. § 881(a)(11) and 28 U.S.C. § 2461(c).
- d. any firearms and ammunition involved or used in the commission of said offenses, or possessed in violation thereof, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

2. The property to be forfeited to the United States includes but is not limited to the following property:

a. **Money Judgment**

An undetermined sum of U.S. Currency and all interest and proceeds traceable thereto, in that such sum in aggregate was obtained directly or indirectly as a result of said offenses or is traceable to such property.

b. **Firearms and Ammunition**

1. Norinco, Model 1911 A1, .45 caliber ACP firearm, Serial Number 518239;
2. 7 rounds of .45 caliber ammunition.

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States to seek forfeiture of any other property of the defendant up to the value of the above-described forfeitable property, pursuant to 21 U.S.C. § 853(p).

A TRUE BILL, this 6 day of August, 2020.

/s/ Grand Jury Foreperson

Randy Pennington
f/ THOMAS T. CULLEN
United States Attorney